

## **DRAFT (INTERNAL)**

### **“Whatsupstream” and Puget Sound**

- “Whatsupstream.com” is part of a public outreach and education project developed by the Swinomish Indian Tribal Community, a sub-award recipient of an EPA grant to the Northwest Indian Fisheries Commission under our Puget Sound Program.
- Over the five years of this sub award, the Swinomish Tribe was eligible for up to \$570,000.
- The Puget Sound Program has awarded over \$200 million in grants to state, local and tribal partners to support Puget Sound Recovery and Protection over the same five year time period.
- The Swinomish Tribe project’s intent, consistent with the goals of the funding program, is to protect salmon by implementing an element of the Skagit Chinook Recovery Plan, an important part of the Puget Sound Action Agenda, and a high priority of the tribe.
- Our understanding is that initially the Swinomish sub-award was to be used to develop a public education effort titled “What’s Upstream”.
- Our regional staff became aware last year that the tribe’s “What’s Upstream” effort was going to be more accusational than educational, and they weren’t comfortable with its tone.
- Our staff and attorneys were able to get the tribe to make substantial changes to the public-engagement parts of the website that would have violated the Anti-Lobbying Act.
- However, because we were not the direct grantor with primary oversight, we had no legal leverage to prohibit the tribe from doing what they’ve done because, while it’s not productive or consistent with the collaborative efforts we fund and encourage, it’s not illegal.
- We were in a very difficult position.
- When we recently learned of bus ads, radio ads and billboards, and saw the website as part of the larger campaign, we were disappointed and frustrated, and we communicated with the Northwest Indian Fisheries Commission which is responsible for oversight of the sub-award to Swinomish Tribe.
- Not only is it imperative that the letter of the law be adhered to, but so too should all

recipients of federal funds be mindful of the spirit of the law, and spirit of problem solving that these funds represent.

- EPA recognizes the major role of farms in the Puget Sound region and the important leadership demonstrated by regional agricultural stewards.
- To be clear, the agricultural community in Washington will be the first to admit that there is a lot of work ahead in improving farm practices to help Puget Sound.
- And that's why we work everyday with the agriculture community to encourage better practices based on better science.
- Those practices get implemented through collaboration – period.
- The funds Congress appropriates for these efforts are inherently marked with the understanding and expectation that they will be used to bring people together to solve problems.
- In the past three years over \$12 million of EPA funds has been utilized to support collaboration with agriculture partners in Puget Sound to restore and protect riparian habitat and to reduce non-point source pollution.
- This collaborative ethos is part of the Puget Sound Action Agenda that the State of Washington, EPA, USDA, the Corps, NOAA and the Fish & Wildlife Service and others have helped develop and implement.
- We are working with the Northwest Indian Fisheries Commission to continue to assess and address any issues with this sub-award and to ensure that future grants follow our grants policies and are in alignment with the intent of these collaborative programs.